

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CANDICE ROSSI CHEOLAS
and STEVE CHEOLAS

Plaintiffs,

CIVIL CASE NO. 06-11885

HONORABLE GERALD E. ROSEN
HONORABLE STEVEN D. PEPE

vs.

THE CITY OF HARPER WOODS, et al

Defendants.

ORDER FOR FED. R. CIV P. 11 SANCTIONS

Plaintiffs' motion to strike Defendants'¹ Answer and for Rule 11 sanctions was referred to the undersigned for hearing and determination. Plaintiffs' motion was granted in part and Plaintiffs' were awarded Rule 11 sanctions.

Plaintiffs were ordered to file an itemized bill of costs indicating the costs incurred because of the insufficiency of Defendants' Answer and Defendants were allowed to file objections.

Plaintiffs' Bill of Costs (Dkt. #49) alleges costs incurred of \$6,045 for 40.3 hours of attorney fees at \$150.00/hour. Defendants argue that this amount is excessive and that there are two errors in the calculations (a.) an entry for .2 hours with no description or date and (b.) a telephone conference with Defendants' counsel which Plaintiffs' counsel alleges lasted 1.1 hours and Defendants' counsel alleges lasted only .7 hours.

The undersigned has considered the parties arguments and IT IS ORDERED that Defendants

¹ The Defendants relevant to this motion are: Harper Woods, City of, Harper Woods Police Department, David Emmendorfer, Thomas Teatsorth, Gerald Firlik, Thomas Silva, William Snider, David Sheill, James E. Leidlein, Russell LaBarge, Sharon DeWaele, Merico Foleta, Patrick Rollison and Kenneth Kogelmann.

shall pay costs to Plaintiffs in the amount of \$4,005.00 for 26.7 hours of attorney fees at \$150.00/hour.

This number was calculated after removing the following items which were considered redundant, excessive or unsupported:

- 6 of the 16.7 hours billed for researching and drafting the Motion to Strike,
- the 2 hours billed for drafting a memo regarding the Motion to Strike for the status conference with Judge Rosen,
- 2.5 of the 4.5 hours billed for reviewing and revising the Motion to Strike,
- .6 of the 3.6 hours billed for reviewing Defendants' response to the Motion to Strike,
- .4 of the .6 hours billed for reviewing the court's scheduling order,
- .8 of the 2.3 hours Mr. Ryan billed for taking part in the conference call with Defendants' counsel and drafting the memo following the call,
- 1.1 of the 1.4 hours Mr. Rashid spent participating in the conference call and then reviewing Mr. Ryan's memo regarding the same and
- .2 entry that has no description.

The parties to this action may object to and seek review of this Order, but are required to file any objections within ten (10) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(2).

SO ORDERED

Dated: March 7, 2007
Ann Arbor, Michigan

s/Steven D. Pepe
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2007, I electronically filed the foregoing paper with the Clerk Court using the ECF system which will send electronic notification to the following: Albert B. Addis, John J. Gillooly, Timothy S. Groustra, Robert M. John, Mathew S. LaBeau, and I hereby certify that I have mailed United States Postal Service the paper to the following non-ECF participants: Carl T. Rashid, 10 S. Main St., Ste. 307, Mt.Clemens, MI 48043-7903

s/ James P. Peltier
James P. Peltier
Courtroom Deputy Clerk
U.S. District Court
600 Church St.
Flint, MI 48502
810-341-7850
pete_peliter@mied.uscourts.gov